



December 2014



**Wyoming Fun Fact**  
**What is Wyoming's**  
**Motto? "Equal**  
**Rights."**

**Have a nomination for  
the Sidebar section?  
Please contact Tiffany  
at the Casper Clerk's  
Office at 307/232-2620**

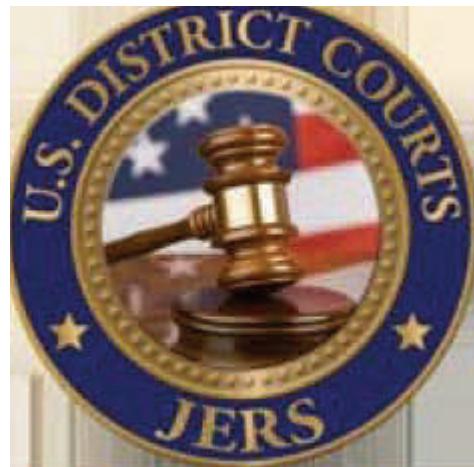


# U.S. DISTRICT CLERK'S COURTERLY



**Clarence "Bud" Addison Brimmer, Jr**  
**July 11, 1922 - October 23, 2014**

The United States District Court for the District of Wyoming mourns the loss of the Honorable Clarence A. Brimmer, 92. Judge Brimmer was appointed as a United States District Court Judge for the District of Wyoming by President Gerald R. Ford in 1975. Judge Brimmer retired from the bench in June 2013. Judge Brimmer will be missed by his Court family and anyone that had the privilege of knowing him.



The U.S. District Court - District of Wyoming is excited to announce the implementation of the Jury Evidence Recording System (JERS). JERS was created in the U.S. District Court for the Western District of North Carolina to provide an efficient method to provide evidence electronically to a trial jury for use during deliberation. While the District of Wyoming is new to JERS, many other federal courts across the nation have been using the system since 2009. Evidence files will be given to the Judge's Courtroom Deputy ahead of trial on a CD or flash drive and uploaded into JERS to work with during a trial. The courtroom's trial presentation system can also work with JERS to input additional evidence into the system such as pictures marked by witnesses on the stand. JERS provides easy access to evidence during jury deliberation electronically, reducing the need for the Courtroom Deputy and jurors to handle physical evidence. Jurors can view the evidence multiple times, rewind videos and zoom in on pictures. All in all, we believe the implementation of JERS in this district will provide a number of advantages to court personnel, jurors, and counsel.

As with most things new, we will be offering a few brown bag lunches during the month of January to discuss JERS and answer any questions that the members of the bar may have. Cheyenne - January 13, 2015 at 12 noon and January 29, 2015 at 12 noon - both brown bags will be held in the Jury Assembly Room at the J.C. O' Mahoney Federal Courthouse (2120 Capitol Avenue, Room 2115). Casper - January 20, 2015 at 12 noon and January 27 at 12 noon - both brown bags will be held in the Grand Jury Room at the Ewing T. Kerr Federal Courthouse (111 S. Wolcott, 2nd Floor). We hope to see you there!



## **Civil Cases Filed in the District of Wyoming:**

Pursuant to General Order 2014-03, effective September 1, 2014, the Court will randomly assign civil cases to a full-time Magistrate Judge as the trial judge to preside over all non-dispositive and dispositive motions, evidentiary hearings and trial. These random assignments will exclude prisoner cases, cases seeking injunctive relief, and bankruptcy appeals. The Court will determine the percentage of civil cases to be assigned to each trial Magistrate Judge.

In those civil cases fully assigned to a Magistrate Judge, each party shall execute and return the Notice of Assignment to a United States Magistrate Judge and Consent/Request for Reassignment. The form may be returned to the Clerk's Office by email to [consents@wyd.uscourts.gov](mailto:consents@wyd.uscourts.gov) or by mail to:

U.S. District Court  
Attn: Consent Clerk  
2120 Capitol Avenue, Room 2131  
Cheyenne, WY 82001

In those cases assigned to an Article III Judge, the parties may elect to consent to trial before a United States Magistrate Judge. If all parties consent, complete the Stipulation of Consent to Trial Before United States Magistrate Judge Entry of Final Judgment by United States Magistrate and Consent to Appeal to the United States Court of Appeals form and return it to the Clerk's Office by email to [consents@wyd.uscourts.gov](mailto:consents@wyd.uscourts.gov) or by mail to:

U.S. District Court  
Attn: Consent Clerk  
2120 Capitol Avenue, Room 2131  
Cheyenne, WY 82001

**Do not e-file these forms**  
**For more information, please see [General Order 2014-03](#)**



## **DOCKETING TIPS:**

When asking the Court for Medical and/or Mental evaluations or treatment, there are two options available from our Motions event menu.

Medical/Mental Treatment

Medical/Mental Exam Competency Exam (BOP)

The first option is for treatment of medical or mental issues unrelated to competency, the second option is for a Bureau of Prisons evaluation to establish whether or not the defendant is competent to stand trial.

Please choose the appropriate event for your defendant.



## **A Look Back at the 10<sup>th</sup> Annual Tri-State Conference by Kelly H. Rankin, Chief, United States Magistrate Judge**

Set in the beautiful backdrop of Jackson, Wyoming and the Tetons, the Wyoming Chapter of the Federal Bar Association hosted the 10<sup>th</sup> annual Tri-State Conference this past October. Attendees were from Idaho, Utah, Wyoming, and beyond. This event occurs annually on a rotational basis between Jackson, Sun Valley, Idaho, and Park City, Utah.

This year's conference proved to be highly successful and most interesting. It began with an evening welcome reception in honor of our newest Tenth Circuit Judge from Wyoming, the Honorable Gregory A. Phillips. Lawyers attending had a great informal opportunity to meet and visit with our newest circuit judge.

The next two days offered many thought provoking discussions on several diverse topics. A series of panel discussions had a common theme: The Wilderness Act at 50 years, the Criminal Justice Act at 50 years, and The Civil Rights Act at 50 years.

The Wilderness Act panel began with an intriguing discussion about its history, future, and current day perspective of wilderness designated lands. The panel included Bret Birdsong, Department of the Interior Deputy Solicitor for Public Lands; Dale Bosworth, Former Chief of the U.S. Forest Service; John Leshy, Former Department of the Interior Solicitor; and Thomas Tidwell, Chief of the U.S. Forest Service. The discussion was moderated by former U.W. College of Law Professor, and current University of Utah College of Law Professor, Bob Keiter.

The next panel discussed the Criminal Justice Act and the legacy of the landmark decision involving Clarence Earl Gideon and his right to counsel. Panelists included Federal Public Defender for the District of Idaho, Dick Rubin; University of Denver College of Law Professor, Justin Marceau; Assistant United States Attorney, Kerry Jacobson and myself as the moderator. Among the discussion topics was the extent to which indigent defendants are better or worse off today since the Act was adopted 50 years ago. This subject and others fostered some thoughtful discussion.

The last 50 year panel involved, perhaps, the most contemporary discussion: the Civil Rights Act. The Civil Rights Act was discussed in relation to same sex marriage and the Fourteenth Amendment. Attorneys and panelists Deborah Ferguson, James Lyman, and Monte Stewart presented varying legal arguments recently asserted in same-sex cases in Wyoming, Idaho, and elsewhere. Interestingly, Ms. Ferguson and Mr. Stewart served as opposing counsel in the Idaho case which was at that time being considered for a brief stay by the U.S. Supreme Court. Each had been up late the night before preparing their written arguments to Justice Kennedy who was deciding whether to grant a stay in Idaho's case which recently had overturned the ban on same sex marriages, and was later appealed to the Ninth Circuit Court of Appeals. It was fascinating to hear the "real time" positions of the parties.

In addition to the 50 year panels, attendees were treated to the chief judges' panel which included the chief judges from all three districts. They included our own Chief Judge Nancy Freudenthal; Chief Judge David Nuffer from Utah; and Chief Judge Lynn Winmill from Idaho. As an added bonus, District Judge Scott Skavdahl moderated and shared in the discussion. The participants had a unique opportunity to hear the judges discuss the status of the court in their respective districts. The judges also discussed and compared practice techniques and answered questions from the audience.

In a similar presentation, the chief magistrate judges presented on several topics which included their respective civil consent programs, the handling of discovery disputes, re-entry programs for criminal offenders reintegrating into the community from prison, and other favored and disfavored practices before the court. As the Wyoming Magistrate, I was joined by my counterparts, Judge Candy Dale from Idaho, and Judge Brooke Wells from Utah.

The participants were also treated to keynote presenter Major General William Suter, U.S. Army (Ret.), who served as the Clerk of the U.S. Supreme Court, a position he held for more than 20 years. His fascinating and frequently humorous stories about his experiences with the Court and litigants, along with his advice to attorneys, were well worth the price of admission.

Finally, perhaps the most entertaining and informative presentation of all involved three experienced attorneys who "competed" against three experienced fifth graders in a game of "Are You Smarter Than a Fifth Grader?" Hosted by a very witty and entertaining Craig Silva, the attorneys were no match for the fifth graders who seemingly had an answer to every question related to the Federal Judiciary, and its 225 year history.

Many thanks to those who put on a very informative and successful Tri-State Conference in Jackson. Next fall: Sun Valley. You are all invited!